

21, 1944

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

STANLEY CROUSE,

Plaintiff,)

Civil Case No. 356

vs.)

JUDGMENT AND DECREE

ZELPH S. CALDER,

Defendant.)

The above cause having come on regularly for trial before the above entitled court; M. E. Wilson and Walter A. Muir appearing as attorneys for the plaintiff, and E. J. Skeen appearing as attorney for the defendant; the court having heard the evidence and during the pendency of the case the parties having entered into a stipulation for the entry of a decree settling the rights of the parties hereto in and to the water hereinafter described,

IT IS ORDERED, ADJUDGED AND DECREED:

1. That plaintiff is the owner of the right to the use of all of the natural flow of Crouse Creek, a tributary of Green River, located in Daggett County, State of Utah.

2. That plaintiff is the owner of the right to the use of 5 second feet of the natural flow of Pot Creek, a tributary of Green River, rising in Uinta County, Utah, to be diverted at any time a natural flow of water is available in Pot Creek from January 1st to December 31st inclusive of each year; that the 5 second feet of water shall be measured in the outlet of what is commonly known as the Matt Warner Dam, which dam is located at a point North $43^{\circ} 45'$, West 675 feet from the East Quarter corner of Section 2, Township 1 South, Range 23 East, Salt Lake Base and Meridian. That said right to the use of 5 second feet is prior to the rights of the defendant to the use of the water of Pot Creek evidenced by pending applications in the office of the State Engineer of the State of Utah hereinafter described, and all other rights of any character asserted or claimed by the defendant.

3. That the defendant is the owner of rights to the use of the water of Pot Creek evidenced by applications for appropriation of water pending in the office of the State Engineer of the State of Utah. That said rights are subsequent and inferior to the rights of the plaintiff hereinabove described.

4. That the defendant may be, and he is hereby permanently enjoined and restrained from interfering with plaintiff's rights to the use of the waters of Grouse Creek and Pot Creek as hereinabove particularly set out, and the plaintiff is perpetually enjoined and restrained from interfering with defendant's enjoyment and use of the waters of Pot Creek under and in accordance with pending applications in the office of the State Engineer of the State of Utah as hereinabove set out.

5. That each of the parties hereto shall bear their own costs. The Court retains jurisdiction for the purpose of enforcing this judgment and decree.

Dated this 21st day of June, 1944.

(signed) TILLMAN D. JOHNSON
JUDGE

Filed in the United States District
Court, District of Utah
June 21, 1944

W. B. Wilson, Clerk
By V. P. Ahlstrom, Deputy.